

AMENDED IN ASSEMBLY JUNE 1, 2015

AMENDED IN ASSEMBLY APRIL 23, 2015

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 967

**Introduced by Assembly Member Williams
(Coauthors: Assembly Members Low, McCarty, and Rendon)**

February 26, 2015

An act to add Section 67386.5 to the Education Code, relating to postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

AB 967, as amended, Williams. Postsecondary education: sexual assault cases.

Existing law establishes the University of California, under the administration of the Regents of the University of California, the California State University, under the administration of the Trustees of the California State University, the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, and independent institutions of higher education as the segments of postsecondary education in this state.

Existing law requires the governing board of each community college district, the Trustees of the California State University, the Regents of the University of California, if they adopt a specified resolution, and the Board of Directors of the Hastings College of the Law to adopt, and implement at each of their respective campuses or other facilities, a written procedure or protocols to ensure, to the fullest extent possible, that students, faculty, and staff who are victims of sexual assault

committed at or upon the grounds of, or upon off-campus grounds or facilities maintained by, the institution, receive treatment and information.

This bill would require, in order to receive state funds for student financial assistance, the governing board of each community college district, the Trustees of the California State University, the Regents of the University of California, and the governing board of each independent postsecondary institution to adopt and carry out a uniform process, applicable to each campus of the institution, for disciplinary proceedings relating to any claims of sexual assault.

The bill would additionally require, *until December 31, 2021*, in order to receive state funds for student financial assistance, the governing board of each community college district, the Trustees of the California State University, the Regents of the University of California, and the governing board of each independent postsecondary institution to report, ~~on an annual basis~~, *on or before April 1, 2017, and on an annual basis thereafter*, specified data relating to cases of alleged sexual assault, domestic violence, dating violence, and stalking.

The bill would also require that the information reported pursuant to these provisions to be reported in a manner that provides appropriate protections for the privacy of individuals involved, including, but not necessarily limited to, protection of the confidentiality of the alleged victim and of the alleged perpetrator.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 67386.5 is added to the Education Code,
- 2 to read:
- 3 67386.5. (a) Notwithstanding Section 67400, in order to
- 4 receive state funds for student financial assistance, the governing
- 5 board of each community college district, the Trustees of the
- 6 California State University, the Regents of the University of
- 7 California, and the governing board of each independent
- 8 postsecondary institution shall adopt and carry out a uniform
- 9 process, applicable to each campus of the institution, for
- 10 disciplinary proceedings relating to any claims of sexual assault.
- 11 At a minimum, the policies shall conform to both of the following:

(1) The institution shall not carry out a different disciplinary process on the same campus for a matter of sexual violence, or alter the uniform process based on the status or characteristics of a student who will be involved in that disciplinary proceeding, including characteristics such as a student's membership on an athletic team, a student's academic major, or any other characteristic or status of a student.

(2) The institution shall develop and implement a minimum standard of discipline of at least two years suspension, up to expulsion, for students found responsible for each of the following: rape, forced sodomy, forced oral copulation, and rape by a foreign object. These minimum standards shall provide for specific forms of discipline, to include expulsion, suspension, loss of financial aid or scholarships, loss of activity privileges, and removal from student housing.

(b) (1) Notwithstanding Section 67400, in order to receive state funds for student financial assistance, the governing board of each community college district, the Trustees of the California State University, the Regents of the University of California, and the governing board of each independent postsecondary institution shall report *on or before April 1, 2017, and annually thereafter*, all of the following ~~on an annual basis~~: *following information for the prior calendar year*:

(1) (A) The number of sexual assault, domestic violence, dating violence, and stalking complaints that were received by the institution.

(2) (B) The number of sexual assault, domestic violence, dating violence, and stalking complaints that were investigated by the institution.

(3) (C) The number of sexual assault, domestic violence, dating violence, and stalking complaints that were not investigated by the institution.

(4) (D) The number of investigations conducted pursuant to paragraph (2) subparagraph (B) in which the respondents were found responsible at the disciplinary proceedings of the institution.

(5)

1 (E) The number of investigations conducted pursuant to
2 ~~paragraph (2)~~ *subparagraph (B)* in which the respondents were
3 not found responsible at the disciplinary proceedings of the
4 institution.

5 ~~(6)~~

6 (F) The number of disciplinary sanctions imposed on
7 respondents who were found responsible as determined pursuant
8 to ~~paragraph (4)~~; *subparagraph (D)* disaggregated by the type of
9 discipline imposed in, at minimum, the following categories:

10 ~~(A)~~

11 (i) Expulsion.

12 ~~(B)~~

13 (ii) Suspension of at least two years.

14 ~~(C)~~

15 (iii) Suspension of fewer than two years.

16 ~~(D)~~

17 (iv) Probation.

18 (2) *This subdivision shall remain in effect only until December*
19 *31, 2021.*

20 (c) For purposes of this section, “sexual assault, domestic
21 violence, dating violence, and stalking” refer to all of the categories
22 of misconduct in the institution’s policy adopted pursuant to
23 Section 67386.

24 (d) The information reported pursuant to this section shall be
25 reported in a manner that provides appropriate protections for the
26 privacy of individuals involved, including, but not necessarily
27 limited to, protection of the confidentiality of the alleged victim
28 and of the alleged perpetrator.